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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,250	06/27/2002	Marino Sanchez Mina	GES 201	5035

7590 03/16/2004  
Horst M Kasper  
13 Forest Drive  
Warren, NJ 07059

EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,250

Applicant(s)

MINA, MARINO SANCHEZ

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5-18 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 2 and 4 have been cancelled in paper no. 11. Remaining claims 1, 3 and 5-18 are examined below.

### ***Drawings***

The drawings filed 1/20/04 of paper no. 13 are objected to because they contain text. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the new drawings 6-15, not mentioned in the description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) and drawings in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,505,454 to Dingler.

Regarding claim 1, Dingler discloses a construction component having an internal metallic element (fig. 2: 14) surrounded and encased by plastic (fig. 2: 13 & 18). Dingler also discloses a metallic plate (fig. 2: 15) which is also surrounded and encased in plastic (fig. 2: 13 & 18).

***Allowable Subject Matter***

Claims 3 and 5-7 are allowed.

Regarding claim 3, no prior art of record discloses a construction component having an internal metal structure with a planar face, metal rods passing through the structure, a metal laminate parallel to the face, and a plastic casting molded around and adhered to the structure and the laminate and bolted joints passing through the laminate. Claims 5-7 depend from 3.

Claims 8-11 are allowed.

Regarding claim 8, the prior art of record does not disclose a metal "I" beam, and two metal laminates at opposite sides of the "I" beam, spaced from the "I" beam and a

plastic envelope molded around and surrounding all three components and having an outer shape of an "I" beam. Claims 9-11 depend from 8.

Claims 12-16 are allowed.

Regarding claim 12, the prior art of record does not disclose metallic reinforcement rods having a planar face, a metal laminate disposed in front of the face, and a plastic envelope molded around, surrounding and adhered to the rods and the laminate. Claims 13-16 depend from 12.

Claims 17 and 18 are allowed.

Regarding claim 17, the prior art of record does not disclose a metal structure having a profile, metal rods placed in the direction of the profile, metal plates attached to the rods, a metal laminate on the outside of one rod and attached to three metal plates and a plastic envelope casting surrounding and molded around the metal structure. Claim 18 depends from 17.

### ***Response to Arguments***

Applicant's arguments filed 1/20/04 have been fully considered but are moot under new grounds of rejections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to metal structures embedded in plastics in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK



3/4/04



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600